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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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04-CV-00819-CMP

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MARY TAYLOR, an individual,

Plaintiff,

v.

SMITH & HAWKEN, LTD., a foreign
corporation,

Defendant.

No.

C04-8197
COMPLAINT FOR BREACH OF
CONTRACT, VIOLATION OF
CONSUMER PROTECTION ACT,
UNJUST ENRICHMENT, AND
COPYRIGHT INFRINGEMENT

Plaintiff Mary Taylor, appearing herein through undersigned counsel for her complaint
against Defendant Smith & Hawken, Ltd., states as follows:

I. PARTIES

1. Plaintiff Mary Taylor is an individual residing in the State of Washington and
is President of Rosebar, Inc., through which Plaintiff markets and sells unique and original
designs and metal garden art products.

2. Upon information and belief, Defendant Smith & Hawken, Ltd. ("Smith &
Hawken") is in the business of nation-wide marketing and sales of garden products, with one
or more facilities in locations throughout the Western District of Washington, and with a
principal place of business at 4 Hamilton Landing, Suite 100, Novato, CA 94949.

II. JURISDICTION AND VENUE

3. This is an action for breach of contract, violation of the consumer protection statute, R.C.W. § 19.86.020, for unjust enrichment, and common law copyright infringement; Plaintiff hereby reserves the right to also allege copyright infringement arising under 17 U.S.C. § 101 *et seq.*, upon receipt of registration from the U.S. Copyright Office.

4. Diversity jurisdiction under 28 U.S.C. § 1332 exists because the matter in controversy exceeds a value of \$75,000 and the parties are citizens of different states. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391, as a substantial part of the events or omissions giving rise to the claims occurred here. Upon official registration of Plaintiff's copyright, this Court will also have jurisdiction under 28 U.S.C. §§ 1331, 1332(a)(1), and 1338(a), and over the related state law claims under 28 U.S.C. §§ 1332(a)(1) and 1367.

III. BACKGROUND FACTS

5. In March of 2003, Mary Taylor exhibited unique garden products at the San Francisco Flower and Garden Show. At that show, Nancy Knight, Merchandise Manager for Smith & Hawken, introduced herself to Ms. Taylor and expressed interest in her products, and provided Ms. Taylor with contact information.

6. A short time later, in June of 2003, Smith & Hawken called Ms. Taylor and requested designs for items Smith & Hawken would then market and sell, indicating that the samples would need to be sent on an expedited basis. Ms. Taylor agreed to do so after informing Smith & Hawken that she operated only on a consignment/commission/percentage-royalty basis, and that the designs were proprietary and would be exclusively created for Smith & Hawken and not for other factory resale. Smith & Hawken assured Ms. Taylor that it was company policy to first confirm and approve with the designer any changes or alterations to a designer's work desired or planned by Smith & Hawken, including new or additional products based on the designer's work. In reliance upon Smith & Hawken's agreement and assurances, Ms. Taylor shipped samples to Smith & Hawken on July 17, 2003.

1 7. On July 21, 2003, Ms. Taylor, through legal counsel John W. Hicks of Schacht
2 & Hicks, wrote to Smith & Hawken, confirming the parties' mutual understanding that Smith
3 & Hawken was not authorized to replicate or market in any form or fashion Ms. Taylor's
4 designs unless and until an agreement was reached between the parties. Further, the letter
5 confirms that the samples were delivered to Smith & Hawken solely for its review. Smith &
6 Hawken duly signed the letter agreement and returned a copy of the agreement to Ms. Taylor.
7 A copy of the July 21, 2003 letter agreement is attached hereto as Exhibit A.

8 8. Between July 27 and July 30, 2003, Smith & Hawken called Ms. Taylor and
9 offered \$7,500 for the designs, which Ms. Taylor refused. A couple of days later Smith &
10 Hawken again telephoned and offered a total sum of \$20,000. Ms. Taylor reluctantly and
11 tentatively agreed, subject to completion of a written contract including terms restricting
12 Smith & Hawken's sales territory and vouchsafing the protection of Ms. Taylor's proprietary
13 designs. Relying upon the July 21, 2003 signed letter agreement and Smith & Hawken's
14 subsequent offer, Ms. Taylor waited for Smith & Hawken to consummate formal financial
15 arrangements for its use and ultimate sale of products using Ms. Taylor's designs. Smith &
16 Hawken has never done so to date.

17 9. On February 8, 2004, Ms. Taylor first became aware of unauthorized replicas
18 of the designs she had sent to Smith & Hawken being manufactured by a factory in Poland.
19 Because these replicas were made of inferior materials, they were being offered by German
20 sales representatives at a lower price. Ms. Taylor contacted Smith & Hawken, informed it of
21 the infringement, and again requested a written contract. Because of the availability of Ms.
22 Taylor's designs from a foreign manufacturer for a reduced price, she has lost customers,
23 significant contracts, and a substantial amount of sales.

24 10. On February 11, 2004, Smith & Hawken called and informed Ms. Taylor that
25 the German sales representative's infringing activities had been stopped and that the CEO of
26 Smith & Hawken would meet with the Polish factory owner in a few days to address Ms.
27 Taylor's concerns. Ms. Taylor again informed Smith & Hawken that she needed to be

1 compensated for her designs, samples, and loss of business resulting from Smith & Hawken's
2 actions.

3 11. On March 2, 2004, Barry Gilbert, CEO of Smith & Hawken, called Ms. Taylor
4 to introduce himself. While pretending sympathy, Mr. Gilbert did not resolve Ms. Taylor's
5 concerns regarding copyright, sales territory, acknowledgement, infringement, or
6 compensation.

7 12. On March 9, 2004, Mary Taylor applied for formal copyright protection by
8 submitting copyright applications to the U.S. Copyright Office for the designs she sent to
9 Smith & Hawken. Attached as Exhibit B are copies of the copyright applications and
10 proprietary designs. Also on March 9, 2004, Mary Taylor, through her present legal counsel,
11 addressed the issue of Ms. Taylor's exclusive designs by offering a license to Smith &
12 Hawken to resolve the previous unauthorized copying, sale, and distribution of Ms. Taylor's
13 designs, and to establish acceptable terms for Smith & Hawken's future use. Attached to the
14 letter was a draft agreement, outlining acceptable contractual terms.

15 13. To date, Smith & Hawken has made no response. However, Ms. Taylor has
16 learned her proprietary designs have been and still are available for sale across the country
17 through Smith & Hawken's catalog and Web site since at least as early as March 2003.
18 Attached as Exhibit C are copies of Smith & Hawken's infringing products as offered for sale
19 on its Web site. Ms. Taylor's designs are also for sale by Smith & Hawken in highly
20 competitive retail locations throughout Washington State, which has the potential to stifle and
21 restrict Ms. Taylor's legitimate business and contracts. None of Ms. Taylor's designs for sale
22 by Smith & Hawken acknowledge Ms. Taylor's contribution and ownership. Ms. Taylor has
23 never received any money or compensation in return for the samples and designs sent to
24 Smith & Hawken.

25 IV. FIRST CAUSE OF ACTION: BREACH OF CONTRACT

26 14. Plaintiff realleges paragraphs 1-13 of this complaint.
27

1 15. Plaintiff has performed fully each and all agreements with Defendant.
2 Defendant has materially breached its July 21, 2003 letter agreement with Plaintiff and oral
3 agreements regarding payment as outlined above.

4 16. As a direct and proximate result of the foregoing material breaches by
5 Defendant, Plaintiff has suffered monetary damages, with interest. Plaintiff is as of yet unable
6 to determine the full amount of its monetary damages arising out of Defendant's breach of
7 contract.

8 **V. SECOND CAUSE OF ACTION: VIOLATION OF**
9 **CONSUMER PROTECTION ACT**

10 17. Plaintiff realleges paragraphs 1-16 of this complaint.

11 18. Defendant's actions constitute unfair methods of competition or unfair
12 deceptive acts or practices within the meaning of the common law and Revised Code of
13 Washington, R.C.W. 19.86.020.

14 **VI. THIRD CAUSE OF ACTION: UNJUST ENRICHMENT**

15 19. Plaintiff realleges paragraphs 1-18 of this complaint.

16 20. Defendant has been unjustly enriched by the copying and use of Plaintiff's
17 proprietary designs in violation of Plaintiff's exclusive rights to market the designs with
18 attendant exclusive copyright rights.

19 **VII. FOURTH CAUSE OF ACTION: COMMON LAW**
20 **COPYRIGHT INFRINGEMENT**

21 21. Plaintiff realleges paragraphs 1-20 of this complaint.

22 22. By its actions alleged above, Defendant has infringed, has induced
23 infringement, and will continue to infringe Mary Taylor's common law copyright in and
24 relating to Ms. Taylor's proprietary designs by producing, distributing, and using products that
25 are direct copies or derivatives of Plaintiff's copyright-protected works.

26 23. On information and belief, the infringement of Plaintiff's copyright has been
27 intentional and willful.

24. As a result of Defendant's infringement of Plaintiff's copyright, Plaintiff has suffered damages in an amount to be proven at trial. Plaintiff is entitled to an injunction restraining Defendant, its officers, agents, and employees, and all persons acting in concert with them, from engaging in any further such acts in violation of the copyright laws.

25. Plaintiff is further entitled to recover from Defendant all damages, including attorneys' fees, they have sustained and will sustain, and any gains, profits, and advantages obtained by Defendant as a result of Defendant's acts of infringement alleged above. At present, the amount of such damages, gains, profits, and advantages cannot be fully ascertained by Plaintiffs.

26. Upon receipt of a confirmation of registration of its copyright applications by the U.S. Copyright Office, Plaintiff reserves the right to amend the present complaint to reallege paragraphs 21-25 of this complaint as also arising under 17 U.S.C. § 101 *et seq.*

VIII. JURY DEMAND

27. Plaintiff demands a trial by jury.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendant as follows:

A. That the Court find that Plaintiff Mary Taylor is the sole and exclusive owner of all right, title, and interest in the subject designs.

B. That the Court find that Defendant has infringed Plaintiff's copyrights in the subject proprietary designs.

C. That the Court find a substantial likelihood that Defendant will continue to infringe Plaintiff's copyrights in the subject designs unless enjoined from doing so.

D. That Defendant, its directors and officers, agents, servants, employees, and all other persons in active concert or privity or in participation with them, be enjoined from directly or indirectly infringing Plaintiff's copyrights in the subject designs or continuing to market, offer, sell, dispose of, license, lease, transfer, display, advertise, reproduce, develop or

1 manufacture any works derived or copied from the subject designs or to participate or assist in
2 any such activity.

3 E. That Defendant, its directors and officers, agents, servants, employees, and all
4 other persons in active concert or privity or in participation with them, be enjoined to return to
5 Plaintiff any and all originals, copies, facsimiles, derivatives or duplicates of the subject
6 designs in their possession, custody or control.

7 F. That Defendant, its directors and officers, agents, servants, employees, and all
8 other persons in active concert or privity or in participation with them, be enjoined to recall
9 from all distributors, wholesalers, jobbers, dealers, retailers, and distributors, and all others
10 known to Defendant, any originals, copies, facsimiles, derivatives or duplicates of any works
11 shown by the evidence to infringe any copyright in the subject designs, and to effect
12 corrective advertising.

13 G. That Defendant be enjoined to deliver upon oath, to be impounded during the
14 pendency of this action and destroyed pursuant to judgment herein, all originals, copies,
15 facsimiles, or duplicates of any work shown by the evidence to infringe any copyright in the
16 subject designs.

17 H. That Defendant be required to file with the Court and to serve on Plaintiff,
18 within 30 days after service of the Court's order as herein prayed, a report in writing under
19 oath setting forth in detail the manner and form in which Defendant has complied with the
20 Court's order.

21 I. That judgment be entered for Plaintiff and against Defendant for Plaintiff's
22 actual damages according to proof, and for any profits attributable to infringements of
23 Plaintiff's copyrights, in accordance with proof.

24 J. That Defendant be required to account for and pay over to Plaintiff all gains,
25 profits, and advantages derived from its breach of contract, acts of infringement, and for its
26 other violations of law.

27

1 K. That Plaintiff recover from Defendants treble the amount of actual damages
2 suffered by Plaintiff, and all of its litigation expenses, including reasonable attorneys' fees and
3 costs pursuant to R.C.W. 19.86.090, and all other applicable laws.

4 L. That Plaintiff have judgment against Defendant for Plaintiff's costs and
5 attorneys' fees.

6 M. That the Court grant such other, further, and different relief as the Court deems
7 proper under the circumstances.

8 Dated this 8th day of April, 2004.

9
10 CHRISTENSEN O'CONNOR
11 JOHNSON KINDNESS^{PLLC}
12

13
14 
15 F. Ross Boudry, WSBA No. 403
16 Claire Foley, WSBA No. 11,690
17 Attorneys for Plaintiff Mary Taylor
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27

EXHIBIT A

Feb 11 04 10:10a

Schacht & Hicks

ROSEBARK

PAGE 01

JUL 24 03 10:45a

Schacht & Hicks

3603355801

P.1

SCHACHT & HICKS

ATTORNEYS AT LAW

1502 SOUTH THIRD STREET

THIRD AND VERA STREETS

N. O. BOX 1188

MOUNT VERNON, WASHINGTON 98273

RICHARD P. SCHACHT - PRESIDENT
JOHN W. HICKSTELEPHONE
(206) 338-0000
FAX:
(206) 338-3801

July 21, 2003

NANCY L KNIGHT MERCHANDISE MANAGER
SMITH & HAWKEN
MERCHANDISE MANAGER

facsimile transmission: 416-506-3907

Dear Ms. Knight,

I represent Mary Taylor who has delivered to you sample designs. You of course understand that these are exclusive Mary Taylor designs sent to you for your review. You further understand that you are not authorized to replicate or market in any form or fashion these designs unless and until an agreement is reached with Mary Taylor concerning these designs.

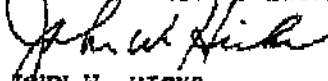
The samples were delivered to you solely for your review to determine whether or not you or your company was interested in entering into financial arrangements with Mary Taylor concerning the use of her designs and the ultimate sale of products created using her designs. I assume your company is most aware of Mary Taylor's need to protect her designs and will cooperate in that fashion.

Mary Taylor, confirming this agreement, has affixed her signature along with mine to this letter.

Please confirm your understanding by return mail or fax.

Respectfully,

SCHACHT & HICKS, INC., P.S.


JOHN W. HICKS


MARY TAYLOR

JWH:kn

CONFIRMING AND AGREEING TO ABOVE:

SMITH & HAWKEN

BY 

EXHIBIT B

FORM VAFor a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

VA VAU
EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1
TITLE OF THIS WORK ✓
ORGANIC TRELLISNATURE OF THIS WORK ✓ See instructions
Sculpture

PREVIOUS OR ALTERNATIVE TITLES ✓

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ✓

If published in a periodical or serial give: Volume ✓

Number ✓

Issue Date ✓

On Pages ✓

2
a NAME OF AUTHOR ✓

Mary L. Taylor

DATES OF BIRTH AND DEATH

Year Born ✓

Year Died ✓

1956

NOTE

Under the law the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

Was this contribution to the work a "work made for hire"?

☐ Yes
☒ NoAUTHOR'S NATIONALITY OR DOMICILE
Name of CountryOR { Citizen of > U.S.A.
Domiciled in >

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

☒ 3-Dimensional sculpture☐ Map☐ Technical drawing☐ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work☐ Design on sheetlike material

b NAME OF AUTHOR ✓

DATES OF BIRTH AND DEATH

Year Born ✓

Year Died ✓

Was this contribution to the work a "work made for hire"?

☐ Yes
☐ NoAUTHOR'S NATIONALITY OR DOMICILE
Name of CountryOR { Citizen of >
Domiciled in >

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

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☐ 3-Dimensional sculpture☐ Map☐ Technical drawing☐ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work☐ Design on sheetlike material3
a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2001

4 Year

This information must be given in all cases.

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Complete this information

ONLY if this work

Month > JuneDay > 30Year > 2001

has been published.

U.S.A.

< Nation

4
COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ✓Mary L. Taylor
20640 Skagit City Road
Mt. Vernon, WA 98273

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ✓

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

DO NOT WRITE HERE
OFFICE USE ONLY

MORE ON BACK >

• Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
• See detailed instructions. • Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of ____ pages

EXAMINED F

FORM VA

CHECKED BY

☐ CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ✓a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ✓ Year of Registration ✓

DERIVATIVE WORK OR COMPILATION Complete both space 6a & 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ✓

N/A

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ✓

N/A

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ✓

Account Number ✓

N/A

N/A

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP

Claire Foley

Christensen O'Connor Johnson Kindness^{PLLC}

1420 Fifth Avenue, Suite 2800, Seattle, WA 98101-2347

RSBR-4-5230

Area Code & Telephone Number ▶ 206.695.1779

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one ✓

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Mary Taylor

Name of author or other copyright claimant, or owner of exclusive right(s) ✓

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ✓ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Claire Foley

date> 9-MAR-04

Handwritten signature (X) ✓



Claire Foley

MAIL
CERTIFI-
CATE
TOCertificate
will be
mailed in
window
envelope

Name ✓

Christensen O'Connor Johnson Kindness^{PLLC}

Number/Street/Apt ✓

1420 Fifth Avenue, Suite 2800

City/State/ZIP ✓

Seattle, WA 98101-2347

YOUR WORK:

• Complete all necessary spaces

• Sign your application in space 8

SEND ALL 3 ITEMS IN THE SAME PACKAGE:

1. Application form

2. Non-refundable \$30 filing fee in check or money order payable to Register of Copyrights

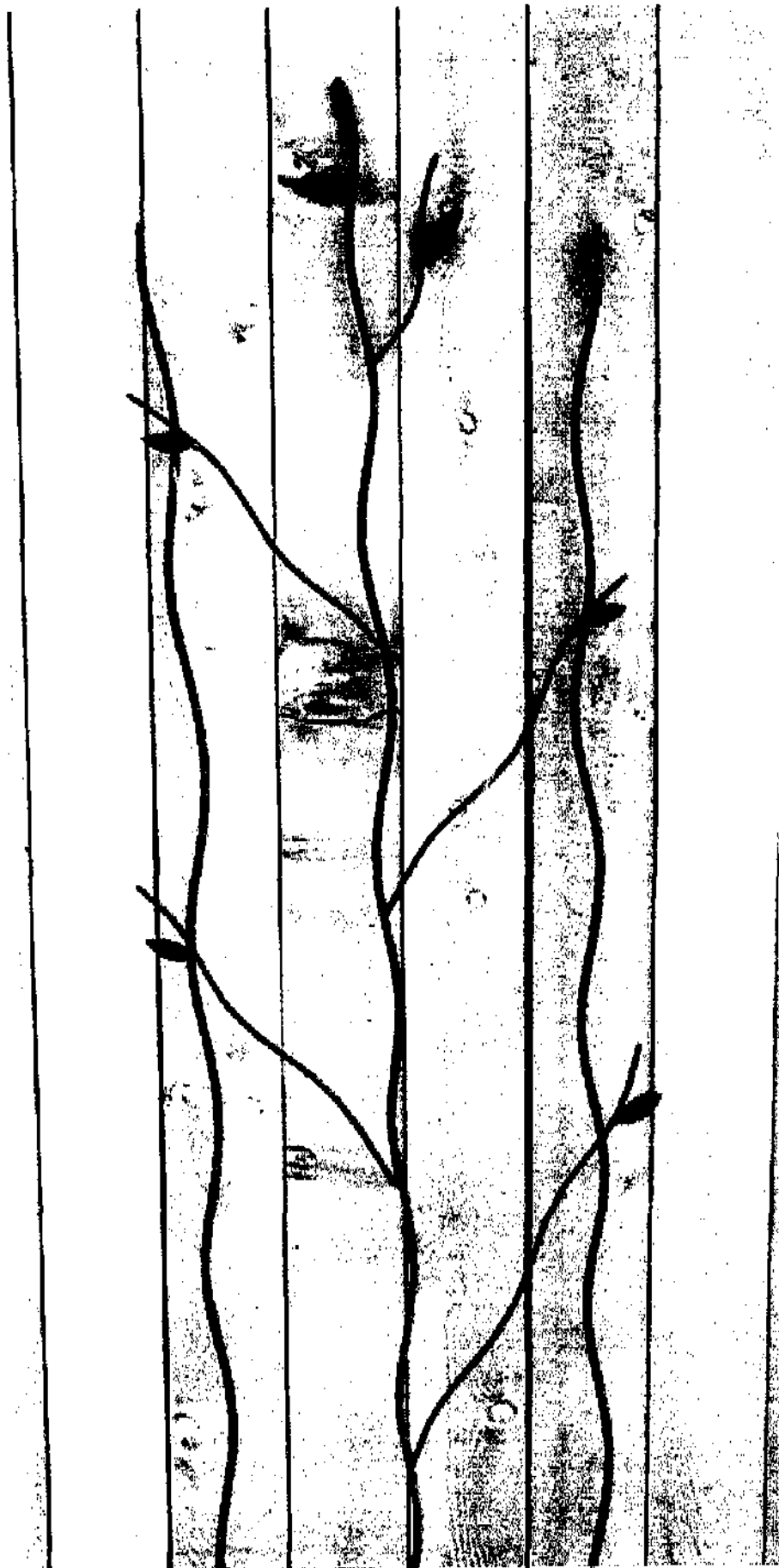
3. Deposit material

DEPT. OF COMMERCE

Register of Copyrights

Library of Congress

Washington, D.C. 20540-6000



FORM VA

For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE
REGISTRATION NUMBERVA VAU
EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1
TITLE OF THIS WORK
ORGANIC ARCHNATURE OF THIS WORK See instructions
Sculpture

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Pages

2
a NAME OF AUTHOR
Mary L. TaylorDATES OF BIRTH AND DEATH
Year Born 1956 Year Died

NOTE

Under the law the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

Was this contribution to the work a "work made for hire"?

☐ Yes
☒ NoAUTHOR'S NATIONALITY OR DOMICILE
Name of CountryOR Citizen of > USA
Domiciled in >

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

☒ 3-Dimensional sculpture ☐ Map ☐ Technical drawing
☐ 2-Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work
☐ Design on sheetlike material

b NAME OF AUTHOR

DATES OF BIRTH AND DEATH
Year Born Year Died

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☐ 2-Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work
☐ Design on sheetlike material3
a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

1996 <Year

This information must be given in all cases.

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information

ONLY if this work

Month > April Day > 1 Year > 1996

has been published.

U.S.A.

< Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Mary L. Taylor
20640 Skagit City Road
Mt. Vernon, WA, 98273

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

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• Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
• See detailed instructions.

• Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of ____ pages

CHECKED BY _____

☐ CORRESPONDENCE
 Yes

 FOR
 COPYRIGHT
 OFFICE USE
 ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ✓
a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ✓ Year of Registration ✓

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a & 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ✓

N/A

6

See instructions
before completing
this space.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ✓

N/A

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ✓

Account Number ✓

N/A

N/A

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP

Claire Foley

Christensen O'Connor Johnson Kindness^{PLLC}

1420 Fifth Avenue, Suite 2800, Seattle, WA 98101-2347

RSBR-4-5229

Be sure to give
your daytime
phone number

Area Code & Telephone Number ▶ 206.695.1779

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one ✓

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Mary Taylor

Name of author or other copyright claimant, or owner of exclusive right(s) ✓

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ✓ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Claire Foley

date ▶ 9-Mar-04

Handwritten signature (X) ✓

clairefoley

8

MAIL
CERTIFI-
CATE
TOCertificate
will be
mailed in
window
envelope

Name ✓	Christensen O'Connor Johnson Kindness ^{PLLC}
Number/Street/Apt ✓	1420 Fifth Avenue, Suite 2800
City/State/ZIP ✓	Seattle, WA 98101-2347

YOU MUST:

- Complete all necessary spaces
- Sign your application in space 8

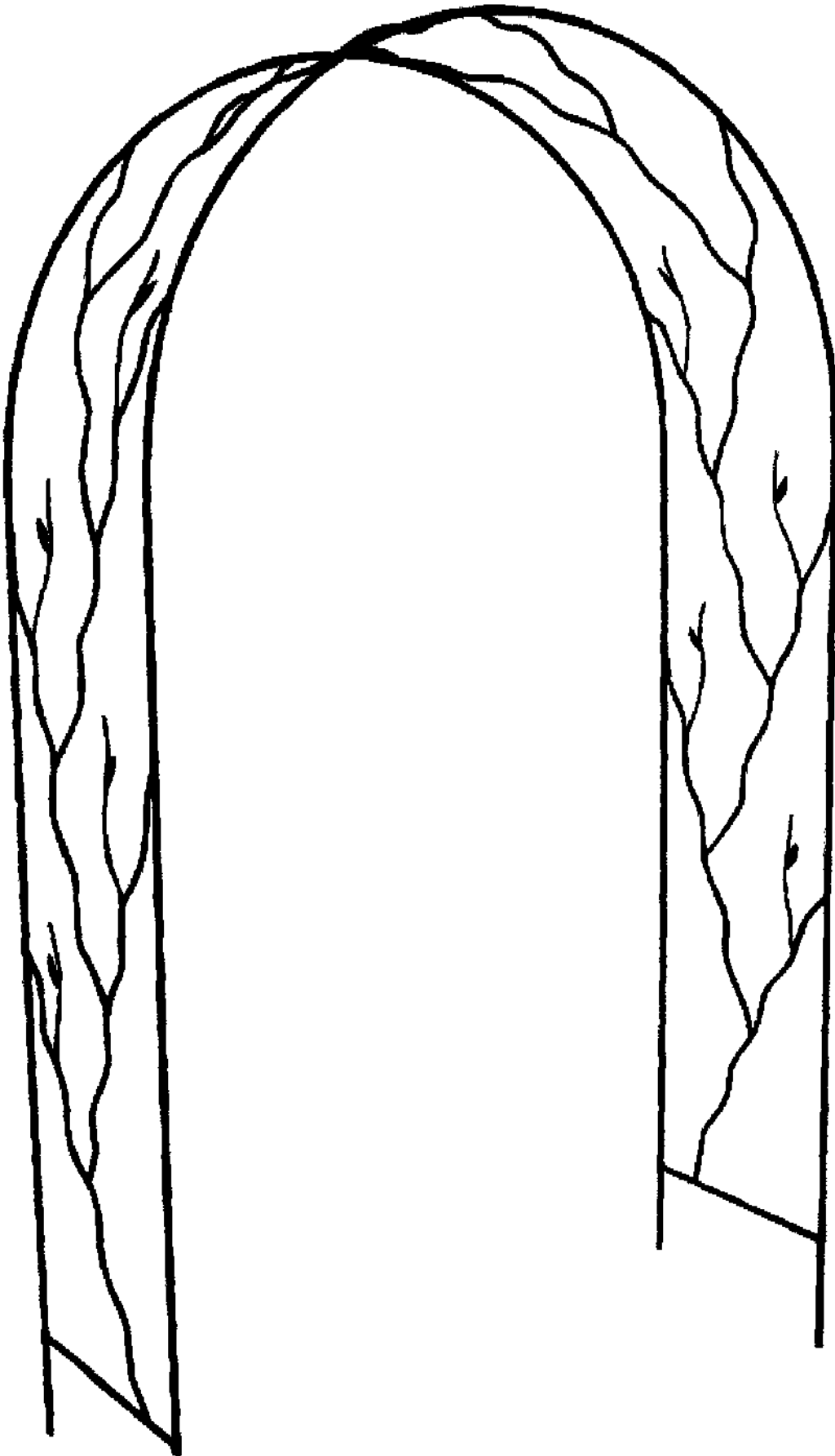
SEND ALL 3 ELEMENTS
IN THE SAME PACKAGE:

1. Application form
2. Non-refundable \$30 filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO:

Register of Copyrights
Library of Congress
Washington, D.C. 20540-4009

9



FORM VAFor a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE
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EFFECTIVE DATE OF REGISTRATION

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Number

Issue Date

On Pages

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Mary L. Taylor

DATES OF BIRTH AND DEATH

Year Born

Year Died

1956

NOTE

Under the law the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided. Give the name of the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

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☒ 3-Dimensional sculpture☐ Map☐ Technical drawing☐ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work☐ Design on sheetlike material

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3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

1996

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This information must be given in all cases.

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

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ONLY if this work

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Day > 1

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Mt. Vernon, WA 98273

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Claire Foley

Christensen O'Connor Johnson Kindness^{PLLC}

1420 Fifth Avenue, Suite 2800, Seattle, WA 98101-2347

RSBR-4-5231

Area Code & Telephone Number > 206.695.1779

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one ✓

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Mary Taylor

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of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

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Claire Foley

date >

9-Mar-04

Handwritten signature (X) ✓

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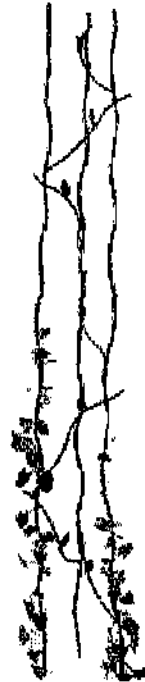
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Product Description:

Twining Leaf Tuteur

792812

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(\$15 add'l shipping)

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Twining Leaf Arch



Product Description:

Twining Leaf Arch

792788

\$190.00

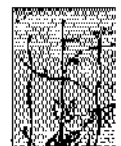
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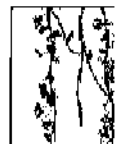
Vining, twining and climbing plants will find our garden arch irresistible. Artfully rendered in steel, this original design reflects the natural curving lines of a vine, sparsely embellished with metal leaves. Use it with robust climbers as an archway to designate access to a garden or path, or to shade a garden bench. The powder-coat finish resists rust. Some assembly required. 97" H, 51" W, 20" D.

(Ship Later available)

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Twining Leaf Trellis



Twining Leaf Tuteur

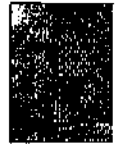


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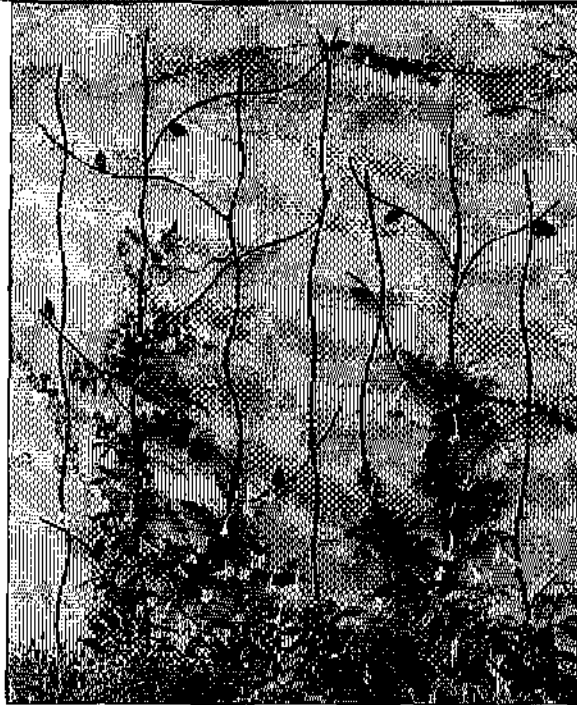
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Twining Leaf Trellises



Product Description:

Small Twining Leaf Trellis

792804

\$65.00

(\$5 add'l shipping)

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Large Twining Leaf Trellis

792796

\$90.00

(\$15 add'l shipping)

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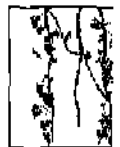
Taking a lesson from nature, the original design of our trellises reflects the natural curving lines of a vine, sparsely embellished with leaves. Artfully crafted of steel, they encourage twining plants like clematis and morning while adding vertical interest to a garden wall. The powder-coat finish resists rust. Some assembly required. The small version measures 24" W, 75" H; the large, 33 1/2" W, 87" H.

(Ship Later available)

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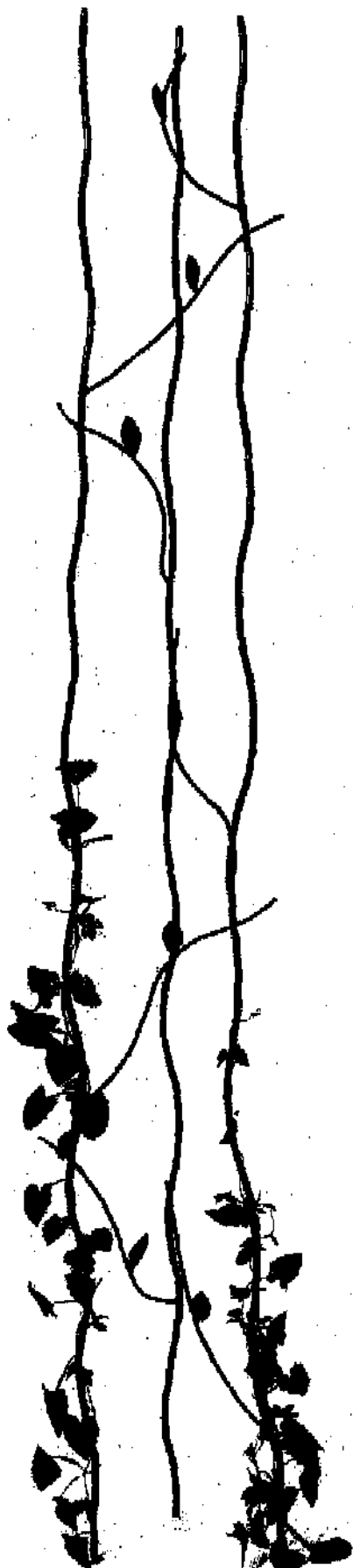
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New! Taking a climbing lesson from nature, leafy vines rendered in steel give twining plants a boost. Arch might curve over a pathway or shade a bench. Trellises prompt morning glories and other vines up a wall. Tuteur adds height to a flat garden bed. Powder coating resists rust. Some assembly required.

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Small Trellis (75" H, 24" W) G792804 \$65 (\$5)

Large Trellis (87" H, 39 1/2" W) G792796 \$80 (\$15)

Tuteur (83" H, 94" W) G792812 \$85 (\$15)

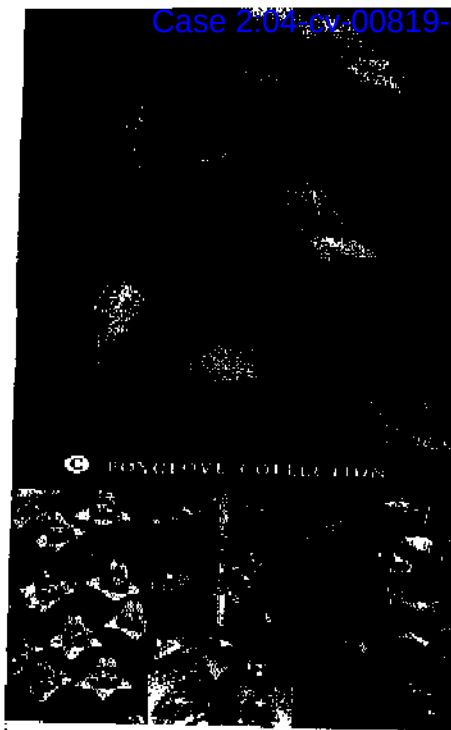
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An indispensable show-off for the back of the border, delphiniums also make striking cut flowers. Our exclusive assortment of English hybrids includes both the coveted dark and light blue, along with pink and purple. Shipped in 4" grower's pots, these summer bloomers can reach 4' to 6' tall. Zones 3-9. Set of four, one of each color. G758300 \$28 catalog/web only

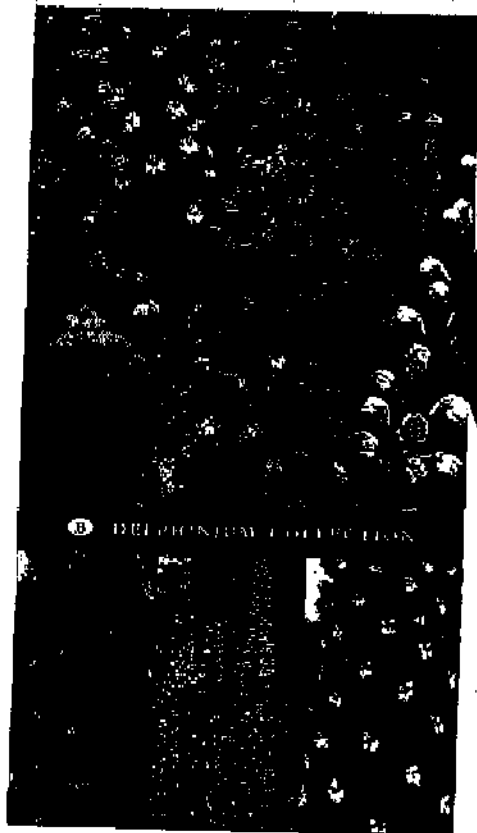
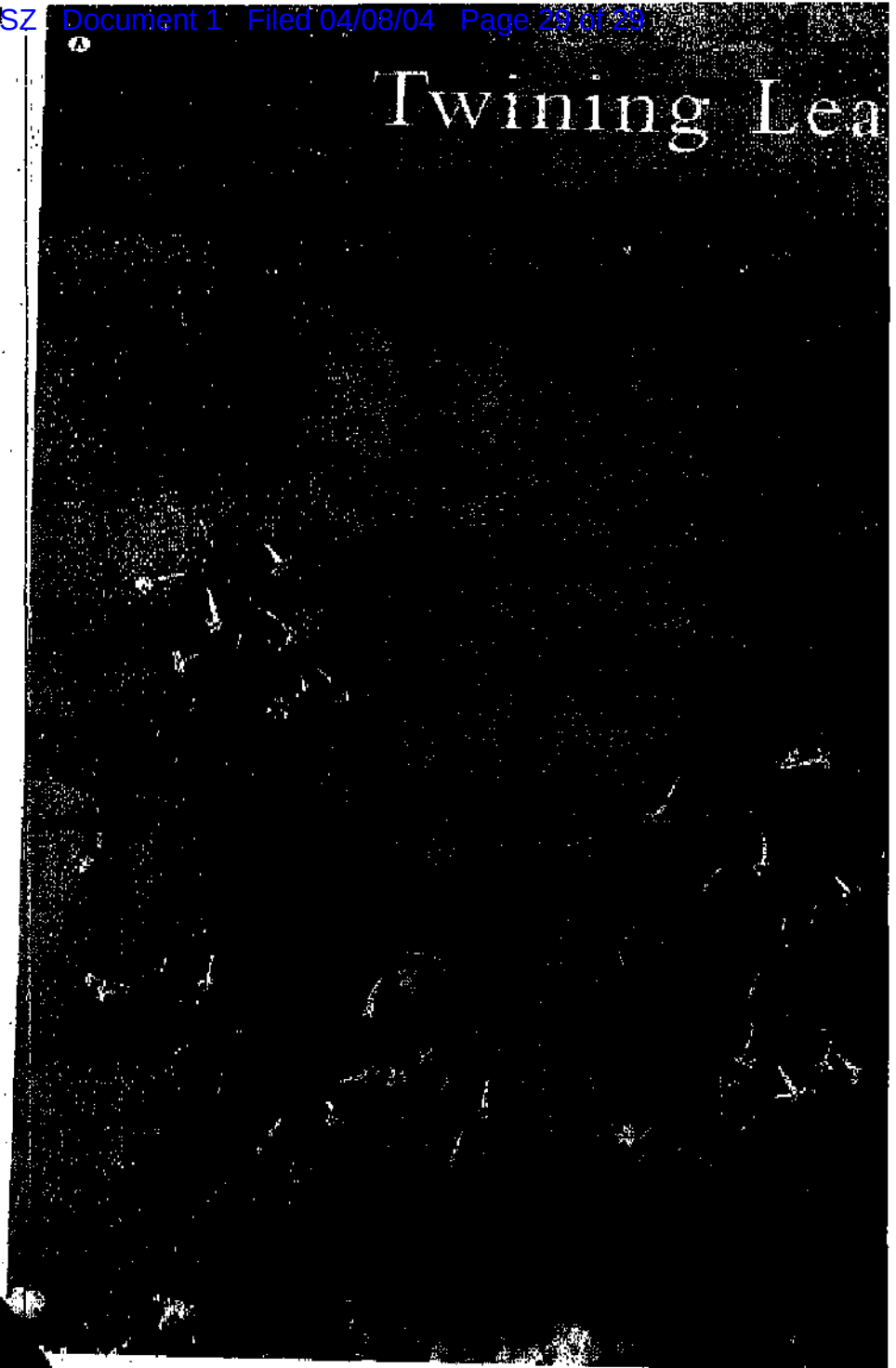
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C. FOXGLOVE COLLECTION
 New! The bell-shaped blooms of *Digitalis* are a cottage garden essential. Our collection includes four out-of-the-ordinary colors: soft yellow *D. lutea*, sugar-pink *D. thapsi*, butterscotch *D. laevigata* graces, and golden-brown *D. ferruginea*. Shipped in 4" grower's pots, all are true perennials for years of 2-4' blooming spires. Zones 7-10. Set of four. 6786061 \$29 catalog/web only



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